

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEQUINTAN ARNICK  
(BOP Register No. 39501-177), §  
Movant, §  
V. §  
UNITED STATES OF AMERICA, §  
Respondent. §  
No. 3:16-CV-560-M

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Because the Court is transferring this successive 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence to the United States Court of Appeals for the Fifth Circuit for appropriate action, the Court need not address whether Movant is entitled to a certificate of appealability (“COA”). *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015) (“[A] transfer order under 28 U.S.C. § 1631 is not a final order within the meaning of [28 U.S.C.] § 2253(c)(1)(B), and the appeal of such an order does not require a COA.”).

But in the event that the Movant will file a notice of appeal, the Court notes that he must pay the filing fee or file a motion for leave proceed *in forma pauperis* on appeal.

SO ORDERED this 24th day of March, 2016.



BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS